

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MICKEY LEE MOODY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Defendants.

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Civil Action No. 1:08cv63-MHT

STATE OF ALABAMA)

MONTGOMERY COUNTY)

AFFIDAVIT OF BRUCE MADDOX

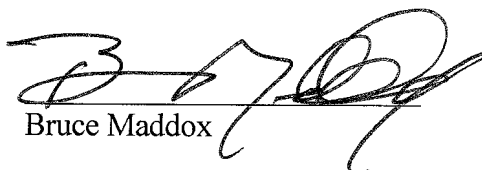
Before me, the undersigned, a Notary Public in and for the State of Alabama at Large, personally appeared Bruce Maddox, who is known to me and who being by me first duly sworn, on oath deposes and says as follows:

My name is Bruce Maddox and I am a resident of Montgomery County, Alabama. I am an attorney duly licensed in the State of Alabama, and have been for approximately thirty (30) years. I make this affidavit to set forth facts related to my representation of Mickey Lee Moody in matters referenced in the above-styled case. It is my understanding of his pleadings in this cause, that, as to my representation of him, he contends:

1. That I was ineffective because I withdrew from representation after only about three weeks. I was appointed during the Christmas and New Year holiday season and was away from my office for most of that time period. I filed a notice of appearance (January 3, 2006) after receiving documents from the Office of the Federal Defender. They asked me to accept the case on December 14, 2005. I actually received an Order appointing me on December 23, 2005. I

moved to withdraw on January 23, 2006, because of a spinal condition that required pain medication that limited my activities as well as undergoing several procedures of treatment such that I could not adequately prepare or participate in Mr. Moody's case. I withdrew, in other words, to avoid being ineffective as counsel.

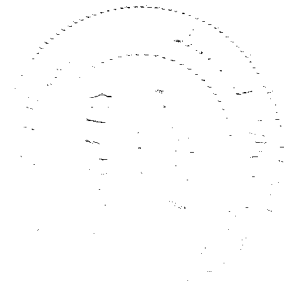
2. That I did not file proper pleas and motions related to Mr. Moody's mental condition. During my interview with Mr. Moody at jail, he told me that he had mental problems that could be documented. I frankly believed that his insight into defenses based upon his mental condition was such that he was competent and, in fact, manipulative of the judicial system. The timing of my withdrawal precluded me from exploring the issues further, but Mr. Moody did not present himself in such a way as to make me believe that he was not competent to stand trial or that his mental condition might be anything other than a minor sentencing issue. My notes indicate that I did speak to his wife, Janice Moody, about his condition at his request and she was to send me documents regarding the issue. I did not receive anything from her.


Bruce Maddox

Sworn to and Subscribed before me on this the 11th day of February, 2008.


NOTARY PUBLIC

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 7, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS



CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the United States Attorney. I have also served a copy of the foregoing pleading by U.S. Mail, properly addressed and postage prepaid upon the following:

Mickey Lee Moody
09427-002
Atlanta U.S. Penitentiary
Inmate Mail/ Parcels
P.O. Box 150160
Atlanta, GA 30315

s/Bruce Maddox